

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

HI JI,

LI MINJUN,

TU LAN,

ZHU FENG,

also known as "Johnny Zhu,"

KUANG ZEBIN,

also known as "Vincent Kuang,"

MICHAEL MCMAHON,

ZHAI YONGQIANG,

ZHENG CONGYING and

ZHU YONG,

also known as "Jason Zhu,"

Defendants.

Case No. 1:21-cr-00265 (PKC) (S-1)

*Filed Electronically*

**CERTIFICATION OF  
LAWRENCE S. LUSTBERG  
IN SUPPORT OF  
DEFENDANT MICHAEL  
MCMAHON'S MEMORANDUM OF  
LAW IN RESPONSE TO THE  
GOVERNMENT'S MOTIONS *IN  
LIMINE* TO ADMIT CERTAIN  
EVIDENCE AND PRECLUDE  
CERTAIN EVIDENCE AND  
ARGUMENTS AT TRIAL**

I, **LAWRENCE S. LUSTBERG**, hereby certify as follows:

1. I am an attorney-at-law, admitted to the bars of the States of New Jersey and New York and, among a number of other Federal Courts, to the bar of the United States District Court for the Eastern District of New York. I am also a Director with Gibbons P.C., counsel for Defendant Michael McMahon in the above-captioned matter.

2. I submit this Certification based upon my personal knowledge and review of the attached relevant documents and facts detailed herein, and in support of Mr. McMahon's Memorandum of Law in Response to the Government's Motions *In Limine* To Admit Certain Evidence and Preclude Certain Evidence and Arguments At Trial.

3. Attached hereto as Exhibit 1 is a true and correct copy of Mr. McMahon's 2015 application and approval for access to the New Jersey Motor Vehicle Commission's CAIR Program. Redactions have been implemented to Exhibit 1 to remove personal identifying information.

4. Attached hereto as Exhibit 2 is a true and correct copy of a letter sent by Mr. McMahon to NJ CAIR in 2019 in response to a routine audit regarding his use of that database, there in connection with a fraud investigation for an insurance company; NJ CAIR permitted Mr. McMahon to continue to use the database. Redactions have been implemented to Exhibit 2 to remove personal identifying information.

5. Attached hereto as Exhibit 3 is a true and correct copy of an email received by Mr. McMahon on October 5, 2016 from Lina Xu (Emily Hsu) at Transperfect Language Services providing, in pertinent part, John Doe-1's date of birth, address and social security number. Exhibit 3 is being filed under seal to protect the identities of the individuals referred to in the Superseding Indictment as John Doe #1, Jane Doe #1, Jane Doe #2, and Jane Doe #3, among others.

6. Attached hereto as Exhibit 4 is a true and correct copy of an email string between Mr. McMahon and Hu Ji (Eric Yan) reflecting that Eric Yan first attempted to deposit money into the McMahon Investigative Group account, but was unable to do so, as the wire would not successfully go through, before Mr. McMahon deposited the money into his personal bank account. Exhibit 4 is being filed under seal to protect the identities of the individuals referred to in the Superseding Indictment as Jane Doe #1, Jane Doe #2, and John Doe #1's father, among others, as well as to protect Mr. McMahon's banking information.

7. Attached hereto as Exhibit 5 is a true and correct copy of a check (Check No. 8909) from “Brian J Neary Esq. Attorney Business Account” to “Mike McMahon”, dated October 17, 2016, for private investigative services that Mr. McMahon performed in connection with a legal matter; that check was deposited into Mr. McMahon’s personal bank account. Exhibit 5 is being filed under seal to protect Mr. McMahon’s banking information and other personal identifying information.

8. Attached hereto as Exhibit 6 is a true and correct copy of a check (Check No. 9223) from “Brian J Neary Esq. Attorney Business Account” to “Mike McMahon”, dated March 23, 2017, for private investigative services that Mr. McMahon performed in connection with a legal matter; that check was also deposited by Mr. McMahon into his personal bank account. Exhibit 6 is being filed under seal to protect Mr. McMahon’s banking information and other personal identifying information.

9. Attached hereto as Exhibit 7 is a true and correct copy of a letter notification of an Incoming Wire Transfer, dated September 22, 2017, evidencing money that was wired from a client into Mr. McMahon’s personal account as “payment to investigator for legal dispute.” Mr. McMahon inadvertently failed to report this payment on his 2017 tax returns. Exhibit 7 is being filed under seal to protect Mr. McMahon’s banking information and other personal identifying information.

10. Attached hereto as Exhibit 8 is a true and correct copy of a check (Check No. 1582) from Joel M. Riotti and Noreen R. Riotto to McMahon Investigative Group, dated February 8, 2016, as a “retainer” for private investigative services. Mr. McMahon inadvertently failed to report this payment on his 2016 tax returns. Exhibit 8 is being filed under seal to protect Mr. McMahon’s banking information and other personal identifying information.

11. Attached hereto as Exhibit 9 is a true and correct copy of a check (Check No. 3379) from Edward J. Jaten to McMahon Investigative Group, dated March 11, 2016, for private investigative services that Mr. McMahon performed. Mr. McMahon inadvertently failed to report this payment on his 2016 tax returns. Exhibit 9 is being filed under seal to protect Mr. McMahon's banking information and other personal identifying information.

12. Although the large majority of the Exhibits attached hereto were included in the Government's discovery productions to Mr. McMahon, a few of these Exhibits (2 and 7) are being produced to the Government for the first time, because they had not been previously requested and because the relevance of these Exhibits only became apparent to Mr. McMahon's attention in responding to the Government's Motions *In Limine* To Admit Certain Evidence and Preclude Certain Evidence and Arguments At Trial. Mr. McMahon reserves his right to supplement these Exhibits with others pertinent to the subject matters of these motions, if necessary and if they come to his attention subsequent to this filing

All of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: May 15, 2023  
Newark, New Jersey

By: s/ Lawrence S. Lustberg  
Lawrence S. Lustberg  
**GIBBONS P.C.**  
One Gateway Center  
Newark, NJ 07102-5310  
Tel: (973) 596-4879  
*Attorneys for Defendant  
Michael McMahon*

## **EXHIBIT 1**


**New Jersey  
Motor Vehicle Commission**

P.O. Box 122  
Trenton, New Jersey 08666-0122  
(609) 292-4572

STATE OF NEW JERSEY

**Raymond P. Martinez**  
Chairman and Chief Administrator

March 31, 2015

McMahon Investigative Group  
PO Box 23  
Waldwick, NJ 07463

Congratulations! Your application for access to the New Jersey Motor Vehicle Commission's CAIR Program has been approved for access to the following records:

Driver History Abstracts / 5 Year Display (AB)  
Registration Inquiry (RI)

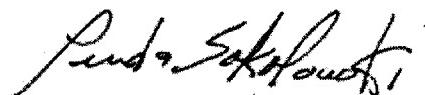
Enclosed is your Agreement with the New Jersey Motor Vehicle Commission. The Agreement must be signed and dated (in blue ink) by an authorized officer of your company consenting to the terms and conditions of the program. In addition, a \$500.00 check for your initial deposit made payable to New Jersey Motor Vehicle Commission, must accompany your returned signed Agreement to the address noted above within 15 business days.

A copy of the agreement will be countersigned by the Chief Administrator of the Motor Vehicle Commission and returned to you along with instructions for creating your Portal account and authenticating user access.

Thank You and we look forward to servicing your information needs.

If you have any questions, regarding this agreement, please call me at [REDACTED].

Sincerely,



Linda Sokolowski, Supervisor  
CAIR Program

cc

Enclosures:

*On the Road to Excellence  
Visit us at [www.njmvc.gov](http://www.njmvc.gov)  
New Jersey is an Equal Opportunity Employer*

**New Jersey  
Motor Vehicle Commission**

State of New Jersey  
Business & Government Services  
P.O. Box 122  
Trenton, NJ 08666-0122  
Phone: 609-292-4572  
*3/30/15*

**Application for Online Access to Motor Vehicle Records**

Please complete this form in its entirety for your request to be considered. Once completed, mail this form to the NJ Motor Vehicle Commission, Business & Government Services unit at the above address. You must also attach a copy of your Certification of Incorporation, if you are a Private Investigator, a copy of your PI license is required. For more information, please see our "Helpful Hints".

**Please Check One:** -New Application -Revised Application -Renewal Application-Online Account # [REDACTED]

<b>Company Information</b>	Company Name <b>MCMAHON INVESTIGATIVE GROUP</b>			
	Street <b>PO BOX 23</b>	City <b>WALDWICK</b>	State <b>NJ</b>	Zip <b>07463</b>
	Federal Tax ID Number <span style="background-color: black; color: black;">[REDACTED]</span>	Company Telephone Number <span style="background-color: black; color: black;">[REDACTED]</span>		
	Nature of Business Activity <b>PRIVATE INVESTIGATOR</b>			
	Do you do business under any other names?			
	<input checked="" type="radio"/> -No	<input type="radio"/> Yes (If yes, please list any other names)		
	In your own words, state your intended use of information obtained from the Motor Vehicle Commission ( <i>please be specific</i> ). <b>TO ASSIST LAW FIRMS WITH PROVIDING AND VERIFYING CLIENTS INFORMATION</b>			
	<b>ALSO TO ASSIST MY BUSINESS WITH CRIMINAL AND FRAUD INVESTIGATIONS.</b>			
	<i>(Attach another sheet, if necessary)</i>			

<b>Contact</b>	Contact Administrator <b>MICHAEL MCMAHON</b>		Title/Position Held in Company <b>PRESIDENT</b>
	Street <span style="background-color: black; color: black;">[REDACTED]</span>	City <b>MAHWAH</b>	State <b>NJ</b> Zip <b>07430</b>
	Driver License Number <span style="background-color: black; color: black;">[REDACTED]</span>	Daytime telephone number <span style="background-color: black; color: black;">[REDACTED]</span>	E-mail Address <span style="background-color: black; color: black;">[REDACTED]</span>

<b>Access Information</b>	Will you be requesting (please select one)?		
	<input checked="" type="radio"/> -Individual Requests	<input type="radio"/> Batch Requests (250+ = Batch)	
	Type of access required (select all applicable)	<input checked="" type="checkbox"/> -Driver History	<input checked="" type="checkbox"/> -Registration Inquiry
	<input type="checkbox"/> -Title History <i>(Insurance Companies Only)</i>	<input type="checkbox"/> -Title Inquiry	<input type="checkbox"/> -Driver Status <i>(Rental Car &amp; School Bus Companies Only)</i>
	How will users access the MVC Online System?	Anticipated number of employees that will access information <b>ONE</b>	
	<input type="checkbox"/> -Office <input checked="" type="checkbox"/> -Home <input type="checkbox"/> -Both		
	Are Motor Vehicle Records obtained to service your clients?	Note: If answering yes, please provide a hardcopy list or electronic file that includes the following information: Client(s) name, address, phone number, and intended use.	
	<input checked="" type="checkbox"/> -No <input checked="" type="checkbox"/> Yes		

**Both pages 1 and 2 must be completed and submitted for your request to be considered.  
Signature is required on next page.**

CERTIFICATION OF APPLICANT

**READ THE BELOW DRIVER PRIVACY PROTECTION ACT. INITIAL NEXT TO THE NUMBER(S) OF THE LAW THAT APPLIES TO YOUR SPECIFIC USE OF THE MVC RECORDS AND SIGN/DATE THE CERTIFICATION**

USES PERMITTED BY N.J.S.A. 39:2-3.4(c)

For use by any government agency, including any court or law enforcement agency carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or Local agency in carrying out its functions.

For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles; motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and the removal of non-owner records from the original owner records of motor vehicle manufacturers.

For use in the normal course of business by a legitimate business or its agents, employees or contractors, but only:

1. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees or contractors; and
2. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.

For use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court.

For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redislosed, or used to contact individuals.

For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

For use in providing notice to the owners of towed or impounded vehicles.

For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the "Commercial Motor Vehicle Safety Act," 49 U.S.C. App. §2710 et seq.

For use in connection with the operation of private toll transportation facilities.

I hereby certify that the foregoing statements and submitted list(s) are true to the best of my knowledge. I understand that if any of the statements or submitted list(s) are willfully false, I am subject to punishment. I have also read the "Driver's Privacy Protection Act" N.J.S.A. 39:2-3.4(c) and I have initialed all that apply to my request for online access and that I will only use any personal information contained in records I have requested as permitted by the Act.

MICHAEL MCMAHON

Name and Title of Authorized Company Representative  
(please print or type)

McMahon Investigative Group

Name of Company (please print or type)

Signature of Authorized Company Representative  
(Original Signature Only. No Stamp Signature)

3-11-15

Date

## **EXHIBIT 2**

Kimberly,

I was assigned a possible fraud investigation case through Plymouth Rock Insurance. This matter was assigned case number [REDACTED], with agent Jerry Gallagher contact number [REDACTED].

We needed to determine the DL history Mr. Burchill and whether or not his DL was valid or not at the time of the accident.

I have added an email correspondence with Insurance agent Gallagher requesting investigation. I have also added the police accident report.

Let me know if you need any additional information.

Mike McMahon  
McMahon Investigative Group  
PO BOX 23  
Waldwick, NJ 07463  
[REDACTED]

RE: [REDACTED]  
Trans: [REDACTED]

**Exhibits 3 - 9**

**FILED UNDER SEAL**